

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ERIC L. JEFFRIES,)	CASE NO. C-1-02-351
	:	
Plaintiff,)	JUDGE BECKWITH
	:	Magistrate Judge Hogan
v.)	
	:	
CENTRE LIFE INSURANCE CO.,)	PLAINTIFF'S PROPOSED
	:	INTRODUCTORY STATEMENT
Defendant.)	<u>TO JURY AND REQUESTED VOIR DIRE</u>

I. Proposed Introductory Statement For Jury

This is a disability insurance case. The plaintiff is Mr. Jeffries. From 1992 through September 1998, Mr. Jeffries worked as a senior banker at Provident Bank. During that time, Mr. Jeffries purchased an "own occupation" policy of disability insurance from the defendant Centre Life Insurance Company. At that time Centre Life was known as Massachusetts Casualty Insurance Company.

Mr. Jeffries asserts that he became too ill to work in his occupation any longer on September 25, 1998. Mr. Jeffries then filed a claim with Mass Casualty or Centre. Centre Life then retained Disability Management Services, Inc ("DMS") to administer Mr. Jeffries' Claim. Ultimately, DMS or Centre determined that Mr. Jeffries was in fact Totally Disabled as defined in the Policy and ultimately issued benefits to Mr. Jeffries for the period December 1998 through February 2002, 39 months.

Centre now concedes that Mr. Jeffries was Totally Disabled through at least August 2003, but asserts that Mr. Jeffries' Total Disability is due to a Mental Disorder, not a physical

illness. Under the Policy, Centre may limit benefits to 24 months if it can show that Mr. Jeffries' Total Disability is due to a Mental Disorder Classified in the DSM-IV. In this suit, Centre demands the return of 15 months of disability benefits it has already paid to Mr. Jeffries.

Mr. Jeffries asserts that his Total Disability is not due to a mental disorder and that it continues. He also brings a claim for bad faith.

II. Jury Voir Dire

Plaintiff asks that the Court question the prospective jurors on:

1. Does any member of the Jury possess an own-occupation disability insurance Policy?
2. Has any member of the Jury or close friend or family member filed an application for disability insurance?
3. Has any member of the Jury or their family member been required to attend an independent medical examination for any reason?
4. Does any member of the jury or close family member serve in a role of trust or good faith to a third party?
5. Does any member of the Jury have an insurance Policy with Massachusetts Casualty, Centre, or any Zurich affiliated company?
6. Does any member of the jury or close family member suffer from any chronic medical illness?
7. Does any member of the jury or close family member suffer from any mental illness?
8. Has any member of the jury or close family member received any medical training or mental health training of any sort?
9. Has any member of the jury or close family member been employed as an investment banker or corporate banker?

10. Does any member of the Jury know of any person who has suffered an adverse reaction to a vaccination?

11. Has any member of the jury read or viewed any news programming concerning safety of vaccines?

12. Has any member of the jury experienced an extended period of unemployment due to medical or other reasons?

13. Has any member of the Jury or close family member made a claim for insurance benefits and been denied?

14. Has any member of the Jury been declined insurance coverage for any reason?

15. Has any member of the jury had their insurance agent come to them to complete an insurance application?

16. Does any member of the jury or close friend or family member suffer from an autoimmune illness or Chronic Fatigue Syndrome?

17. Have any members of the Jury served in community or neighborhood leadership roles of any sort?

18. Do any members of the Jury participate in their children's athletic or extracurricular activities?

19. Has any member of the Jury or close family member traveled to receive medical care?

20. Has any member of the Jury or close family member suffered from an illness which will intermittently wax and wane?

Respectfully submitted,

OF COUNSEL

GRAYDON HEAD & RITCHEY LLP
1900 Fifth Third Center
511 Walnut Street
Cincinnati, Ohio 45202
(513) 621-6464

/s Michael A. Roberts
Michael A. Roberts, Esq. (0047129)
GRAYDON HEAD & RITCHEY LLP
511 Walnut Street, Suite 1900
Cincinnati, Ohio 45202
(513) 629-2799
(513) 651-3836 (fax)
email:mroberts@graydon.com

CERTIFICATE OF SERVICE

The foregoing was electronically filed and thereby delivered to William R. Ellis, Esq., Wood & Lamping LLP, 600 Vine Street, Suite 2500, Cincinnati, Ohio 45202, this 17th day of February, 2003.

/s Michael A. Roberts